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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/530,785	05/05/2000	SIMON A BEDDUS	36-1338	3443

7590 03/28/2003

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EXAMINER

MEHRA, INDER P

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 03/28/2003

A

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/530,785

Applicant(s)

BEDDUS ET AL.

Examiner

Inder P Mehra

Art Unit

2666

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 8 and 10 recite the limitation, "one or more of a plurality of different call control protocols and different network address". This limitation is indefinite.

Appropriate correction is required.

Claim 6 recites the limitation "said call control capability " in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitation "said communications terminal" in line 6. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1-3 and 8-10, are rejected under 35 U.S.C. 102(b) as being anticipated by **P.Mikelaitis** (A Tutorial on ISDN customer call control, part 1, the telecommunication journal of Australia, vol. 38, No. 1, pages 75-92, XP002075878).

For claims 1 and 8-10, Mikelatis discloses a method of operating a communications systems including terminals (claim 9), refer to paragraph 4.3 and figs. 5.1 and 5.2, comprising:

- exchanging (see figs. 5.3 and 5.8, paragraphs 5.4 and 5.5 respectively) between communication terminals (“customers”) call control capability data (“signaling dialogue”, refer to paragraph 4), which call control capability data identifies for each respective terminal a selected one or more of a plurality of different call control capability data (message sequences, refer to paragraph 4 and individual characteristics (protocols and different network addresses), refer to paragraph 4;
- setting up a call between the said communications terminals using call control protocols or network addresses, paragraph 4 (capability data), (setup control, refer to paragraph 4);

For claim 2, Mikelatis discloses, “exchanging call control capability data”, as in claims 1, 8 and 10 above, **which is carried out prior to initiating call set up**, (to effect this control, a defined sequence of messages , (called signaling dialogue), is passed between the exchange and terminal equipment), refer to paragraph 3.3.3.

For claim 3, Mikelaitis discloses all the features of subject matter of claim 3,

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additional features of claim 3 are disclosed in fig. 5.8, Mikelaitis discloses the additional limitations of claims 3-7 as follows:

- acknowledgement to the request including call control capability data for the second terminal, as recited in claim 3, (messages of both groups) , recited in claim 3, refer to paragraphs 5.4 and 5.5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over

P.Mikelaitis, as applied to claims 1, 8 and 10 above, and further in view of **Katsube** (US Patent no. 4,984,264).

For claims 4 and 5, Mikelaitis discloses a method comprising the steps described in paragraph 4 of this office action.

Mikelaitis discloses all the subject matter of the claimed invention with the exception of :

- monitoring continuously at a communications terminal a communication port and carrying out the exchange of call control capability data whenever a request is received at the said port, as recited by claim 4;

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- monitoring of the communications port continues after a call has been set up, as recited by claim 5;

Katsube discloses monitoring continuously at a communications terminal a communication port and carrying out the exchange of call control capability data whenever a request is received at the said port, refer to col. 7 lines, refer to col. 7 lines 54-63 ; and monitoring of the communications port continues after a call has been set up, refer to col. 7 lines 43-50;

A person of ordinary skill in the art would have been motivated to employ Katsube's cell flow monitoring system into Mikelaitis's "Tutorial on ISDN customer call control" in order to monitor and control the execution of exchange of data across two terminals. The suggestion/motivation to do so would have been to transmit successfully information from terminals having various characteristics.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over **P. Mikelaitis**, as applied to claims 1, 8 and 10 above, and further in view of **Markgraf et al** (US Patent no. 6,181,691), hereinafter, Markgraf.

For claims 6 and 7, Mikelaitis discloses a method comprising the steps described in paragraph 4 of this office action.

Mikelaitis discloses all the subject matter of the claimed invention with the exception of :

- communicating as part of the said call control capability data a pointer to a source of further data identifying capabilities not provided for directly in the call control capabilities exchange protocol, as recited in claim 6;

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- the pointer is a uniform resource locator (URL), as recited by claim 7;

Markgraf discloses communicating as part of the said call control capability data a pointer to a source of further data identifying capabilities not provided for directly in the call control capabilities exchange protocol; and the pointer is a uniform resource locator (URL); (URL specifies high level communication function like "set up connection" and "participate in connection", refer to abstract and col. 3 lines 10-15 and col. 4 lines 25-30.

A person of ordinary skill in the art would have been motivated to employ Markgraf's telephone system into Mikelaitis's "Tutorial on ISDN customer call control" in order to provide "URL" pointer. The suggestion/ motivation to do so would have been to transmit successfully information from terminals having various characteristics.

Prior Art

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Fichou et al (US Patent No. 6,072,773) discloses flow control for very burdty connections in high speed cell switching networks.
- Furuno (US Patent No. 6,125,123) discloses signaling storage medium and network.

Conclusion

9. Any enquiry concerning this communication should be directed to Inder Mehra whose telephone number is (703) 305-1985. The examiner can be normally reached on Monday through Friday from 8:30AM to 5:00 PM.

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If attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Seema Rao , can be reached on (703) 308-5463. Any enquiry of a general nature of relating to the status of this application or processing should be directed to the group receptionist whose telephone number is (703) 305-4700.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC. 20231

Or faxed to (703) 872-9314.

Hand -delivered responses should be brought to Crystal Park II, 2121 Crystal drive,
Arlington, VA, sixth floor (Receptionist).

Inder Mehra
Inder Mehra 3/17/03

March 17, 2003

DW
DANGTON
PRIMARY EXAMINER